

EXHIBIT A**21BT-CV00831****IN THE CIRCUIT COURT OF BUTLER COUNTY
STATE OF MISSOURI**

VICTORIA BARNETT,)	
)	
Plaintiff,)	Cause No.
)	
Vs.)	Div.
)	
POPLAR BLUFF REGIONAL)	
MEDICAL CENTER, LLC,)	PERSONAL INJURY -
)	MEDICAL MALPRACTICE
SERVE: Registered Agent)	
CSC- Lawyers Incorporating)	
221 Bolivar Street)	
Jefferson City, MO 65101)	DEMAND FOR JURY TRIAL
)	
And)	
)	
POPLAR BLUFF HMA PHYSICIAN)	
MANAGEMENT, LLC)	
)	
SERVE: Registered Agent)	
CSC-Lawyers Incorporating)	
221 Bolivar Street)	
Jefferson City, MO 65101)	
)	
And)	
)	
TRACY SAMBO, M.D.,)	
)	
SERVE: 578 Jupiter Road)	
Camdenton, MO 65020-4444))	
)	
Defendants.)	

PETITION**COUNT I- MEDICAL NEGLIGENCE AGAINST ALL DEFENDANTS**

COMES NOW Plaintiff, Victoria Barnett, by and through counsel, and for her
Count I against defendants, states as follows:

1. Plaintiff Victoria Barnett is and was at all times mentioned herein a resident of the State of Missouri.

2. That at all times mentioned defendant Poplar Bluff Regional Medical Center, LLC was a Missouri Limited Liability Company organized and existing pursuant to law; that the acts and omissions of said defendant were performed by and through its agents, servants and employees, including but not limited to Tracy Sambo, M.D.

3. That at all times mentioned defendant Poplar Bluff HMA Physician Management, LLC was a Missouri Limited Liability Company organized and existing pursuant to law; that the acts and omissions of said defendant were performed by and through its agents, servants, and employees, including but not limited to Tracy Sambo, M.D.

4. That at all times mentioned, defendant Tracy Sambo, M.D. was a physician and surgeon providing medical services in and about the Poplar Bluff and Butler County areas.

5. That at all times mentioned defendant Tracy Sambo, M.D. acted both in her individual capacity and as the agent, servant and/or employee of defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC.

6. Venue is proper in the Circuit Court of the County of Butler pursuant to RSMo. §508.010, as the events that gave rise to this lawsuit occurred in the County of Butler, Missouri.

7. Beginning on or about May 6, 2019, plaintiff Victoria Barnett was under the

care of defendants for conditions in and about her abdomen and gall bladder and continued under the defendants' treatment for care of her injuries until at least May 8, 2019.

8. That on May 7, 2019, defendant Tracy Sambo, M.D. performed at Poplar Bluff Regional Medical Center, LLC a laparoscopic cholecystectomy on plaintiff for a preoperative and post-operative diagnosis and treatment of cholecystitis.

9. That during said surgery of May 7, 2019, defendant Tracy Sambo, M.D. injured and damaged plaintiff's ductal system and surrounding structures.

10. That on May 8, 2019, a post-operative HIDA scan revealed a bile leak as well as no activity being seen in plaintiff's small bowel.

11. That on May 9, 2019, plaintiff was admitted to Barnes Jewish Hospital, where on May 10, 2019, she underwent the first of several ERCPs and stent placements necessitated by the injury caused during the surgery performed by defendants on May 7, 2019.

12. That while a patient under the care of defendants as aforesaid, defendants failed to use that degree of care, skill and learning ordinarily used under the same or similar circumstances by other members of their profession thereby constituting negligence and which negligence was committed in the following respects, to-wit:

a) That defendants failed to properly perform surgery on Victoria Barnett on May 7, 2019 by injuring and damaging her ductal system and surrounding structures;

b) That defendants failed to recognize that they had improperly performed

surgery and injured and damaged plaintiff's ductal system during the surgery of May 7, 2019;

c) That defendants failed to timely diagnose and/or properly treat the injured and damaged ductal system during the improperly performed surgery on May 7, 2019;

d) That defendants failed to properly identify and/or protect internal structures, including but not limited to the ductal system, during the surgery of May 7, 2019;

e) That defendants cut, perforated and/or damaged the ductal system and surrounding structures while performing surgery on May 7, 2019;

f) That defendants failed to do an intraoperative cholangiogram to identify plaintiff's anatomy so as to not damage the ductal system and surrounding structures;

g) That defendants improperly clipped structures following the injury to the ductal system and surrounding structures, causing back up and damage to plaintiff's liver.

h) That defendants failed to completely identify plaintiff's anatomy before placing one or more surgical clips, or take into account the damaging effect of the clip placement;

i) That defendants failed to provide plaintiff with proper and complete informed consent prior to the May 7, 2019 surgery, including but not limited to failure to inform plaintiff that a patient had died just weeks before at the hands of defendant Tracy Sambo, M.D. performing the same or similar procedure.

13. That as a direct and proximate result of the negligence and carelessness of defendants as aforesaid, plaintiff Victoria Barnett was seriously, painfully and permanently injured in the following respects, to-wit: that plaintiff Victoria Barnett suffered from and continues to suffer from injury to her ductal system, liver, abdomen, abdominal pain, fatigue, lack of energy, loss of a portion of her liver, scarring, incisional pain, and disfigurement; that plaintiff was required to undergo multiple surgical procedures and hospitalizations as a result of her injuries, and will require additional surgeries including resection of her liver; that plaintiff continues to suffer from internal and external scarring and disfigurement and physical disabilities; that plaintiff will require lifetime medical care and may require additional surgical procedures as a result of her injuries; that plaintiff suffers from great pain of body and mind, and other conditions as a result of her injuries; that plaintiff Victoria Barnett has suffered loss of work and income and will in the future continue to lose sums as a result of her injuries; that medical expenses have been incurred as a result of plaintiff's injuries in a sum still to be determined but in excess of One Hundred Thousand Dollars (\$100,000.00) and additional sums will be required for medical expenses into the future; that plaintiff has suffered loss of work and income, and her ability to work and earn income has been impaired and limited in an amount to be determined. That all of the injuries and effects above referred to are serious, permanent and progressive, and the function and use of the aforesaid parts and organs are impaired, diminished, and made painful.

WHEREFORE, plaintiff Victoria Barnett prays judgment against defendants Poplar Bluff Regional Medical Center, LLC, Poplar Bluff HMA Physician Management, LLC, and Tracy Sambo, M.D. for such sums which are fair and reasonable in excess of

Twenty-Five Thousand Dollars (\$25,000.00) to compensate her for her injuries and damages suffered together with costs expended herein, and for such other Orders as this Court deems just and proper.

**COUNT II – NEGLIGENCE/NEGLIGENT CREDENTIALING – POPLAR BLUFF
REGIONAL MEDICAL CENTER, LLC AND POPLAR BLUFF HMA PHYSICIAN
MANAGEMENT, LLC**

COMES NOW Plaintiff, Victoria Barnett, by and through her counsel, and for her Count II against defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC, states as follows:

1. Plaintiff incorporates by reference paragraphs 1 through 13 of Count I of Plaintiff's Petition as though fully set forth herein.
2. Upon information and belief, on March 28, 2019, defendant Tracy Sambo, M.D., performed a laparoscopic cholecystectomy on patient Linda Haislip at defendant Poplar Bluff Regional Medical Center, LLC, and during said procedure severed one of Linda Haislip's arteries, causing her to lose between one and a half and two and a half liters of blood, and pass away from those injuries after being cardioverted numerous times.
3. That defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC, knew of the surgical death that occurred a mere 40 days before plaintiff Victoria Barnett's laparoscopic cholecystectomy performed by Tracy Sambo, M.D., and should have taken actions to assure the surgical competency of Tracy Sambo, M.D., before allowing her to perform further procedures and in particular the same type of surgery subsequently performed on plaintiff.
4. That defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff

HMA Physician Management, LLC possessed a duty to properly investigate and determine the competence of Tracy Sambo, M.D. in allowing her surgical privileges and to disallow such privileges, should Tracy Sambo, M.D. had been found not competent to perform laparoscopic cholecystectomy procedures.

5. Defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC also bore the responsibility to protect and otherwise warn patients such as plaintiff of information they possessed regarding a surgeon, Tracy Sambo, M.D., with incompetent ability to perform laparoscopic cholecystectomy, and whose actions lead to the death of a patient during surgery just 40 days prior.

6. That Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC, had a duty to review Tracy Sambo, M.D.'s credentials and background through the hospital's application process before granting her continuing surgical and staff privileges, following the death of Linda Haislip.

7. That defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC had a duty to periodically review the reappointment and continuing surgical privileges of Tracy Sambo, M.D. especially after the death of Linda Haislip on March 28, 2019.

8. Defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC, acting through their staff were negligent in the following particulars, to-wit:

a. They failed in their duty to select and retain competent physicians and surgeons seeking staff privileges, and investigate same, specifically Tracy Sambo, M.D.;

b. Defendants were negligent in granting staff privileges to Tracy Sambo, M.D., and continuing those surgical privileges after the death of Linda Haislip, by failing to perform an adequate investigation and/or by simply ignoring facts uncovered by its investigation;

c. Defendants were negligent in granting staff and surgical privileges to Tracy Sambo, M.D., or failing to restrict or limit those surgical privileges, after the death of Linda Haislip, M.D. by failing to perform an adequate investigation and/or by simply ignoring facts uncovered by its investigation;

d. Defendants were negligent in failing to warn plaintiff Victoria Barnett that Tracy Sambo, M.D. was lacking in competence to perform laparoscopic cholecystectomy procedures upon her and otherwise allowing Tracy Sambo, M.D. to treat plaintiff Victoria Barnett and causing her injury as detailed in this Petition, and failed to warn her that defendant Tracy Sambo, M.D., had just recently caused the death of a patient while performing the same or similar surgery just 40 days prior.

9. That as a direct and proximate result of the negligence and carelessness of defendants as aforesaid, plaintiff Victoria Barnett was seriously, painfully and permanently injured in the respects as detailed in Paragraph 13 of Count I of this Petition.

WHEREFORE, plaintiff Victoria Barnett prays judgment against defendants Poplar Bluff Regional Medical Center, LLC and Poplar Bluff HMA Physician Management, LLC for such sums which are fair and reasonable in excess of Twenty-Five Thousand Dollars (\$25,000.00) to compensate her for her injuries and damages

suffered together with costs expended herein, and for such other Orders as this Court deems just and proper.

LAW OFFICE OF JOHN S. WALLACH, P.C.

BY /s/ John S. Wallach

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